

## REMARKS

Initially, in the Office Action the Examiner has objected to claims 4, 13, and 22 under 37 C.F.R. §1.75(c) as being of improper dependent form. Claims 19 and 23 have been rejected under 35 U.S.C. §112, second paragraph. Claims 10 – 18 have been rejected under 35 U.S.C. §101. Claims 1, 4, 5, 7, 10, 13, 14, 16, 19, 22, 23, and 25 have been rejected under 35 U.S.C. §102(a) and (e) as being anticipated by U.S. Patent Application Publication No. 2001/0039514 (Barenbaum et al.). Claims 2, 3, 6, 8, 9, 11, 12, 15, 17, 18, 20, 21, 24, 26, and 27 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Barenbaum et al.

By the present response, Applicant has canceled claims 4, 13 and 22 without disclaimer and amended claims 10, 19 and 23 to further clarify the invention. Claims 1-3, 5-12, 14-21 and 23-27 remain pending in the present application.

### Claim Objections

Claims 4, 13, and 22 have been objected to under 37 C.F.R. §1.75(c) as being of improper dependent form. Although Applicant disagrees with the Examiner's assertions, Applicant has deleted these claims rendering these rejections moot.

### 35 U.S.C. §112 Rejections

Claims 19 and 23 have been rejected under 35 U.S.C. §112, second paragraph as invoking 35 U.S.C. §112, sixth paragraph without corresponding structure. Applicant has amended these claims to further clarify the invention and respectfully requests that these rejections be withdrawn. Further, Applicant directs the Examiner's attention to Fig.2, 220 and paragraphs [0011] and [0014].

### 35 U.S.C. §101 Rejections

Claims 10 – 18 have been rejected under 35 U.S.C. §101. Applicant has amended these claims to further clarify the invention and respectfully requests that these rejections be withdrawn.

### 35 U.S.C. §102 Rejections

Claims 1, 4, 5, 7, 10, 13, 14, 16, 19, 22, 23, and 25 have been rejected under 35 U.S.C. §102(a) and (e) as being anticipated by Barenbaum et al. Applicant respectfully traverses these rejections.

Regarding claims 1, 10, and 19, Applicant submits that Barenbaum et al. does not disclose or suggest the limitations in the combination of each of these claims of, *inter alia*, promotional offer code data that has been pre-stored in the mobile phone, the promotional offer code data comprising parameters of a sponsor of a promotional campaign that awards prizes to winners of the promotional campaign. The Examiner asserts that these limitations are disclosed in Barenbaum et al. in paragraphs 21, 24 and 26. However, these portions merely disclose that a client may identify an excess capacity of its goods and determine incentives to induce purchases, identifies potential customers based on profile data, and that incentives may be offered in a progressive fashion where the incentive may increase in value as the incentive expiration draws near, details about other incentives strategies, and that an icon may be displayed on a user's wireless device to authenticate redemption at the point-of-sale eliminating the need for a printout of the incentive. This is not promotional offer code data that has been pre-stored in the mobile device, the promotional offer code data comprising parameters of a sponsor of a promotional campaign that awards prizes to winners of the promotional campaign, as recited in the claims of the present application. Barenbaum et al. merely discloses various details regarding ways to offer incentives to induce purchases of excess capacity goods. Incentives to induce purchases as disclosed in Barenbaum et al. is not awarding prizes to winners of a promotional campaign, as recited in the claims of the present invention. Barenbaum et al. does not disclose or suggest promotional offer code data pre-stored in the mobile device that comprises parameters of a sponsor of a promotional campaign that awards prizes to winners of the promotional campaign, as recited in the claims of the present application. These limitations are neither disclosed nor suggested by Barenbaum et al.

Regarding claims 5, 7, 14, 16, 23 and 25, Applicant submits that these claims are dependent on one of independent claims 1, 10, and 19 and, therefore, are

patentable at least for the same reasons noted previously regarding these independent claims.

Accordingly, Applicant submits that Barenbaum et al. does not disclose or suggest the limitations in the combination of each of claims 1, 4, 5, 7, 10, 13, 14, 16, 19, 22, 23, and 25 of the present application. Applicant respectfully requests that these rejections be withdrawn and that these claims be allowed.

35 U.S.C. §103 Rejections

Claims 2, 3, 6, 8, 9, 11, 12, 15, 17, 18, 20, 21, 24, 26, and 27 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Barenbaum et al. Applicant respectfully traverses these rejections and submits that these claims are dependent on one of independent claims 1, 10 and 19 and, therefore, are patentable at least for the same reasons noted previously regarding these independent claims.

Accordingly, Applicant submits that Barenbaum et al. does not disclose, suggest or render obvious the limitations in the combination of each of claims 2, 3, 6, 8, 9, 11, 12, 15, 17, 18, 20, 21, 24, 26, and 27 of the present application. Applicant respectfully requests that these rejections be withdrawn and that these claims be allowed.

Conclusion

In view of the foregoing amendments and remarks, Applicants submit that claims 1-3, 5-12, 14-21 and 23-27 are now in condition for allowance. Accordingly, early allowance of such claims is respectfully requested. If the Examiner has any questions about the present amendment or anticipates finally rejecting any claim of the present application, a telephone interview is requested.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 13-4365.

Respectfully submitted,

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